

**REMARKS**

In accordance with the foregoing, claims 26, 29, and 31 have been amended. No new matter is being presented. Therefore, claims 1-32 are pending and reconsideration is respectfully requested.

**OBJECTION TO THE DISCLOSURE:**

It is noted that the specification has been objected to because the spelling of the word "controlling" is incorrect. Applicants respond that this spelling is acceptable and note that the meaning of the word as it is spelled and used in the specification is easily understood. Therefore, it is requested that the objection be withdrawn.

**REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1, 3-8, 10-13, 15-17, 21, 23-27, 29, and 31-32 are rejected under 35 U.S.C. §102(b) as being anticipated by Matsuda et al (U.S. Patent 6,256,273). This rejection is traversed and overcome.

Regarding the rejection of claim 1, it is noted that claim 1 recites performing a focus pull-in operation, and, if a level of a pull-in signal remains lower than a predetermined critical level for at least a predetermined critical period of time, controlling the objective lens so as to move away from the disc. That is, during a focusing operation, a pull-in signal, which indicates a focusing position of a pickup with respect to a disc, may drop below the critical level, and remain at or below this level for a predetermined period of time. In this case, the pickup, on which the objective lens is held, is moved away from the disc to prevent an impact of the pickup and the disc. Hence, the claimed invention actively prevents the pickup from dropping below the critical level and thereby risking an impact.

With the above discussion in mind and calling attention to the recitation of, "if a level of a pull-in signal remains lower than a predetermined critical level for at least a predetermined critical period of time, controlling the objective lens so as to move away from the disc," applicants note that the claimed invention, and this feature, in particular, is not disclosed by any of the cited references.

In support of this position, applicants note that the only reference specifically cited as providing this feature is column 3, lines 26-30 of the reference to Matsuda (hereinafter referred to as the '273 patent), in which the '273 patent discloses "extinguishing the drive signal in

response to the specific level crossing detection timing; and inhibiting means for inhibiting the recognition of the specific level crossing detection timing in the drive signal generating means for a predetermined period in response to the focus jump instruction."

In other words, the '273 patent, which is directed to a focusing control apparatus that is designed to perform focus jumping operations in which read light is moved from one recording surface to another, discloses drop-out detecting devices that detect a drop-out of the read signal and vibration detecting devices that detect vibrations of the recording surfaces, and executes the focus jumping based on a non-detection of the drop-out of the read signal and the detection of vibration below a predetermined level. Thus, the '273 patent is not related to the specific issue of preventing an optical pickup from veering too close to a surface of an optical disc, as in the claimed invention, nor to controlling the objective lens so as to move away from the disc, if a level of a pull-in signal remains lower than a predetermined critical level for at least a predetermined critical period of time.

Nevertheless, if it was still maintained that the '273 patent related to the specific issue of preventing an optical pickup from veering too close to a surface of an optical disc, as in the claimed invention, applicants respectfully assert that, where the claimed invention relates to actively preventing the pickup from dropping below the critical level, the '273 patent merely discloses a passive system. That is, the inhibiting means do not control "the objective lens so as to move away from the disc," as in the claimed invention, but rather, simply inhibit the recognition of level crossing detection timing for a predetermined period.

Thus, applicants respectfully assert that claim 1 is patentably distinguished from the reference and that, therefore, the rejection of claim 1 is traversed.

Regarding the rejections of claims 6, 13, 21, and 25, it is noted that these claims each recite substantially similar features as claim 1 and that, therefore, the rejections of these claims are also overcome for substantially similar reasons as set forth above with respect to claim 1. As examples, claim 6 recites, "if the level of the pull-in signal is lower than a predetermined critical level, checking a time for which the level of the pull-in signal remains lower than the predetermined critical level; and if the time is at least a predetermined critical period of time, controlling a pickup having the objective lens to move away from the disc." Similarly, claim 13 recites, "a controlling unit that if a level of the pull-in signal is maintained lower than a predetermined critical level for at least a predetermined critical period of time, controls the actuator so that the objective lens moves away from the disc."

Regarding the rejections of claims 26, 29, and 31, it is noted that these claims have been amended to recite similar features as claim 1. Thus, applicants respectfully assert that these

claims are patentably distinguished from the reference, and that, therefore, the rejections of these claims are overcome for substantially similar reasons as set forth above with respect to claim 1.

Regarding the rejections of claims 1, 35, 7, 8, 10-12, 15-17, 23, 24, 27, and 32, it is noted that these claims depend from claims which are allowable as noted above. Therefore, these claims are also allowable for substantially similar reasons as set forth above.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claims 2, 9, 14, 18-20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuda et al (U.S. Patent 6,256,273) in view of Kubota (US 2002/0101800), and claims 28 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuda et al (U.S. Patent 6,256,273) in view of Maeda et al (US 6,977,782). However, since these claims depend from claims which are believed to be allowable as discussed above, and since the additional references to Kubota and Maeda fail to cure the defects of Matsuda, applicants respectfully assert that the rejections of claims 2, 9, 14, 18-20, 22, 28, and 30 are traversed for substantially similar reasons as set forth above.


**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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